

REMARKS/ARGUMENTS

The Applicant thanks the Supervisory Examiner for her attendance to this case. It is earnestly believed that the Supervisory Examiner agrees that the cited art does NOT suggest an attribute table that includes offsets of selected components. Accordingly, claim 1 has been amended to additionally recite this feature. Similarly, other independent claims have been amended to add this additional feature.

Furthermore, claim 1 has been amended to further clarify that one or more selected components of a class file are identified, in the attributes section of the class file, for loading the selected components into a virtual machine. Still further, claims have been presented in a form which is believed to be preferred by the Supervisory Examiner. Accordingly, it is respectfully submitted that all pending claims are now in condition for early allowance.

The Examiner's rejections of claims under sections 35 U.S.C §101 and 35 U.S.C §103 are fully traversed below.

Rejection of claims under 35 U.S.C §101

In the Final Office Action, the Examiner has rejected claims 1, 3, 4, 6-9 and 16-26. Claims 1-9 and 16-22 pertain to a computer-implemented method and therefore recite statutory subject matter. Claim 10-15 are directed to a computer readable medium and therefore recite statutory subject matter. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C §101.

Rejection of claims under 35 U.S.C §103

In the Final Office Action, the Examiner has asserted that *Lafuse* teaches a load attribute in an attribute section of a class file that can be loaded into a virtual machine (Final Office Action, paragraph 9, pages 3-4). Rather than providing evidence that would support this rejection, the Examiner has cited various elements, figures, tables and sections of *Lafuse* which do NOT teach or remotely suggest a load attribute in an attribute section of a class file. Accordingly, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn. Further, it is respectfully submitted that the Examiner's rejection is improper for at least the following reasons.

(a) Lafuse does NOT teach or suggest an attribute table provided as a load attribute for a class file wherein the attribute table includes offsets of one or more components of said class file (claim 1)

This feature has NOT been properly addressed in the Final Office Action. Moreover, it is respectfully submitted that *Lafuse* does NOT teach or even remotely suggest this feature.

(b) Lafuse does NOT teach or suggest a load attribute in an attribute section of a class file (claim 1)

It is noted that *Lafuse* teaches: A object oriented attribute handle for parsing and packing object attributes for communication thereof between virtual and physical devices in an object oriented programming environment. The handle comprises the steps of creating a plurality of attribute description files for each class of object instances and either parsing or packing instance attributes in accordance with a corresponding one of the plurality of attribute description files. The handle uses a suite of routines to parse or pack instance attributes in accordance with the corresponding predefined attribute description file (*Lafuse*, Abstract).

However, it is respectfully submitted that *Lafuse* does NOT teach or even remotely suggest a load-attribute in an attribute section of a class file. Again, the load-attribute identifies one or more selected components of the class file that can be loaded into the virtual machine. Accordingly, it is respectfully submitted that *Lafuse* cannot possibly teach or suggest the features of: (a) checking a load-attribute, (b) loading, or (c) not loading the components of the class file based on the load-attribute in the class file (claim 1).

(c) The Examiner has not made a prima facie case of obviousness

In the Final Office Action, the Examiner has asserted that "it would have been obvious to one skilled in the art at the time of the invention to combine the teaching of *Lafuse* and *Cohen* because *Lafuse*'s method of loading certain attributes would improve *Cohen*'s system by allowing the user to select[ed] which attributes they want to load thus making the system more user friendly and adaptable." (Final Office Action, paragraph 10 on page 4).


It is respectfully submitted that the mere fact that the references can be combined is NOT enough to establish a prima facie case of obviousness. The Examiner needs to show a motivation or suggestion for combining the references in the first place. Even assuming purely for the sake of argument that the combination of *Cohen* and *Lafuse* would improve *Cohen's* system, there must a motivation or suggestion for combining *Cohen* and *Lafuse* in the first place. In other words, the mere fact that the resulting combination would be beneficial does NOT provide a motivation or suggestion for combining the references in the first place in order to yield the beneficial result. In this case, the Examiner has not even asserted that there is a motivation or suggestion in the references themselves or general knowledge that would suggest a motivated one skilled in the art to combine *Lafuse* and *Cohen*.

CONCLUSION

Based on the foregoing, It is submitted that claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P816). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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